THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.23143 of 1995

Dated:14.11.2006

Between
Yesu Gopal Rao

.....Petitioner

and

1.The Authority under Minimum
Wages Act and Labour Officer,
Khammam and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.23143 of 1995

ORDER:

The grievance of the petitioner is that though he filed an application before the 1st respondent claiming difference of minimum wages of Rs.12,102/- for the period from 01.10.1991 to 30.9.1994, but the 1st respondent has granted only an amount of Rs.2,550/- for the period from 1.4.1994 to 30.9.1994 on the ground that as per Section 20 (2) of the Minimum Wages Act, the minimum wages has to be claimed within a period of six months.

Learned counsel for the petitioner has brought to the notice of this Court sub-section (2) of Section 20 of Minimum Wages Act, which reads as under:

> "Where an employee has any claim of the nature referred to in sub-section (1)) the employee himself, or any legal practitioner or any official of a registered trade union authorized in writing to act on his behalf, or any Inspector, or any person acting with the permission of the authority appointed under sub-Section (1), may apply to such Authority for direction under Sub-Section (3)
> Provided that every such application shall be presented within six months from the date on which the minimum wages (or other amount) become payable.
> Provided further that any application may be admitted after the said period of six months when the applicant satisfies the authority that he had sufficient cause for not making the application within such period."

As per the above provision, any application may be admitted even after six months when the applicant satisfies the authority that he had sufficient cause for not making the application within six months.

In this case, admittedly, no finding was given by the authority stating that there was no sufficient reason furnished by the petitioner in approaching the authority after six months. In a case of this

nature, instead of taking technical objections, the authority ought to have taken a lenient view of the matter and considered the difference of minimum wages from 1.10.1991 to 30.9.1994. Instead of doing that, the 1st respondent allowed the application for a period of six months.

Hence, I deem it appropriate to set aside the impugned order and remit the matter to the 1st respondent for re-consideration of the issue, within a period of three months, from the date of receipt of a copy of this order.

Writ petition is allowed accordingly. No costs.

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14-11-2006

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